

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE WORLD TRADE CENTER
DISASTER SITE LITIGATION

FERNANDO ALVES and MICHELE
ALVES,

Plaintiffs,

-against-

CITY OF NEW YORK, et al.

Defendants.

21 MC 100 (AKH)

08 CV 03917
10 CV 06968

**PARTIAL STIPULATION OF
VOLUNTARY DISMISSAL AS
AGAINST ALL PARTIES PURSUANT
TO F.R.C.P. 41(a)(1)(A)(ii)**


IT IS HEREBY STIPULATED AND AGREED, by and between the parties that,
pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii):

1. The above-captioned actions is voluntarily dismissed pursuant to the following terms and conditions:
2. This dismissal does not reflect a settlement pursuant to the Settlement Process Agreement, as Amended.
3. This dismissal is a voluntary dismissal of a case not previously dismissed.
4. All claims by FERNANDO ALVES and MICHELE ALVES against all Defendants or against any Defendant arising out of or relating in any way to World Trade Center-related rescue, recovery and/or debris-removal operations and/or clean-up at any location on and/or after September 11, 2001 are voluntarily dismissed.
5. All claims that were asserted or could have been brought in relation to Plaintiffs' existing pleadings are dismissed with prejudice.

6. This stipulation is without prejudice solely in relation to a second injury to the extent permitted by New York State law and as may be defined by any court having jurisdiction over such later-filed complaint. If after this Stipulation is filed plaintiffs commence an action asserting such alleged second injury claims against any or all of the entities listed on Exhibit A to the World Trade Center Litigation Settlement Process Agreement, As Amended ("Amended SPA"), such action shall constitute a "New Debris Removal Claim" as defined in the Amended SPA.


7. The dismissal is without costs.

OSHMAN & MIRISOLA, LLP

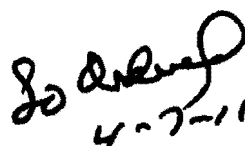
By: 
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Attorneys for Plaintiffs FERNANDO
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Dated: April 5, 2011

PATTON BOGGS LLP

By: 
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Dated: April 5, 2011


4-7-11
